

ORDINANCE NO. 18-11

AN ORDINANCE OF THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, TITLE 5, BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.04, BUSINESS LICENSES GENERALLY, BY AMENDING SECTIONS 5.04.010, DEFINITIONS, 5.04.020, LICENSE REQUIRED, 5.04.040 REVOCAION OF LICENSE – HEARING, 5.04.060, EXPIRATION, 5.04.080, SCHEDULE OF FEES, AND 5.04.090, LATE FEES, RELATED TO REMOVAL OF LATE FEES FOR LICENSE RENEWALS, ADJUSTMENT OF THE RENEWAL TIME FOR BUSINESS LICENSING TO JANUARY OF EACH YEAR, REVISION OF LICENSING TYPES, AND TECHNICAL CORRECTIONS THROUGHOUT; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the Mayor and Council desire to eliminate staggered billing of business licenses, remove late fee that may be prohibitive or undesirable to business growth within the Town, and to make changes to the Town Code that will ensure grammatical and reference accuracy.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Youngtown, Arizona, as follows:

Section I. In General.

The Code of Youngtown, Arizona, Title 5 Business Licenses and Regulations, Chapter 5.04 Business Licenses Generally, Sections 5.04.010 Definitions is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

5.04.010 - Definitions.

As used in this chapter:

* * *

“COMMERCIAL BUSINESS” MEANS BUSINESSES WITH PHYSICAL LOCATIONS IN THE COMMERCIAL ZONES IN THE TOWN.

* * *

“PROPERTY MANAGEMENT COMPANY” MEANS THE OPERATION, CONTROL AND OVERSIGHT OF REAL ESTATE, EITHER COMMERCIAL OR RESIDENTIAL IN NATURE.

“RENTAL AGENT” MEANS A FACILITATOR BETWEEN A LANDLORD AND TENANT FOR THE RENTAL OF REAL ESTATE, EITHER COMMERCIAL OR RESIDENTIAL IN NATURE.

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~~"Storefront business" means businesses with physical locations in the commercial zones in the town.~~

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The Code of Youngtown, Arizona, Title 5 Business Licenses and Regulations, Chapter 5.04 Business Licenses Generally, Sections 5.04.020 License Required is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

5.04.020 - License required.

- A. It is unlawful for any person to conduct any trade, calling, profession, occupation or business without first having procured a license from the town for such purpose. All licenses shall BE VALID FOR ONE (1) CALENDAR YEAR AND expire ON DECEMBER 31 OF THE CURRENT CALENDAR YEAR ~~one year from the date of issue~~, except that the town clerk may issue a license effective for one day in connection with town-sponsored events. Licenses for sexually oriented businesses shall be governed by Chapter 5.17, licenses for massage establishments shall be governed by Chapter 5.18; and tattoo and/or body piercing establishments shall be governed by Chapter 5.19. B. Multiple businesses at the same address require separate licenses for each business. A single business with multiple locations shall have separate licenses for each location.
- ~~C.~~B. Licenses are not transferable. New owner(s) shall obtain a new license for the business within ten (10) working days of starting work. CHANGE OF BUSINESS NAME OR "DOING BUSINESS AS" NAME (DBA) SHALL NOT REQUIRE A NEW LICENSE IF THE REGISTERED OWNERS DO NOT CHANGE; HOWEVER, THE TOWN CLERK MAY DESIGNATE AN APPROPRIATE FORM TO BE USED TO DOCUMENT THE CHANGE OF BUSINESS NAME OR DBA. NOTICE OF CHANGE OF BUSINESS NAME OR DBA SHALL BE MADE WITHIN TEN (10) WORKING DAYS OF CHANGE.

[TECHNICAL CORRECTION: SUBSECTIONS RE-LETTERED FROM "C" TO CORRESPOND.]

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The Code of Youngtown, Arizona, Title 5 Business Licenses and Regulations, Chapter 5.04 Business Licenses Generally, Sections 5.04.030 Issuance of License – Denial or Nonrenewal - Hearing is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

5.04.030 - Issuance of license—Denial or nonrenewal—Hearing.

* * *

- D. If the town clerk determines that grounds exist for denial or nonrenewal of a license, the town clerk shall notify the applicant or licensee in writing of the intent to deny or not renew the license, including a summary of the grounds therefor. The notification shall be by certified mail to the address of record. In the event a license is denied or not renewed, the applicant or licensee shall have five working days from receipt of the written notice of denial or nonrenewal to petition the town clerk in writing, including a

statement of reasons why the license should not be denied or should be renewed and requesting a hearing. If a response is not received by the town clerk in the time stated, the denial or nonrenewal shall be final and notice of such will be sent to the applicant or licensee. Within three working days after receipt of a response, the town clerk shall either withdraw the intent to deny or nonrenewAL and so notify the respondent in writing by certified mail or shall schedule a hearing before the town manager or the town manager's delegate and shall notify the respondent in writing by certified mail of the date, time and place of the hearing. The hearing shall be conducted in an informal manner. The respondent may be represented by counsel. The rules of evidence shall not apply. The town manager shall issue a written decision within three working days after the completion of the hearing and shall mail a copy of the decision by certified mail to the address of the respondent on file with the town clerk. In no event shall more than thirty (30) days elapse between receipt by the town clerk of a request for a hearing and mailing by the town manager of the final decision to the respondent. In the case of an intent to deny or nonrenewAL OF a license, the licensee may continue to conduct business under the license pending receipt of the final decision of the town manager. The decision shall be final at the end of five working days after it is mailed and shall constitute final administrative action.

The Code of Youngtown, Arizona, Title 5 Business Licenses and Regulations, Chapter 5.04 Business Licenses Generally, Sections 5.04.040 Revocation of License - Hearing is hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

5.04.040 - Revocation of license—Hearing.

- A. The town clerk shall revoke the license of any person upon the finding of any of the following:

* * *

7. FAILURE TO OBTAIN LICENSING FOR THE OPERATION OF THE BUSINESS FROM APPROPRIATE STATE OF ARIZONA OR MARICOPA COUNTY AUTHORITY, AS REQUIRED BY LAW.

The Code of Youngtown, Arizona, Title 5 Business Licenses and Regulations, Chapter 5.04 Business Licenses Generally, Sections 5.04.060 Expiration hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

5.04.060 - Expiration.

Licenses shall expire ANNUALLY ON DECEMBER 31 ~~one year from the date of issuance~~, unless the license is issued for a special town-sponsored event, in which case the town clerk may issue a license effective for one day.

The Code of Youngtown, Arizona, Title 5 Business Licenses and Regulations, Chapter 5.04 Business Licenses Generally, Sections 5.04.080 Schedule of Fees hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

5.04.080 - Schedule of fees.

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B. All ~~storefront~~ COMMERCIAL businesses shall pay a license fee of one hundred dollars (\$100.00) per year unless a different amount is set forth in the following schedule. PARTIAL YEAR RATES SHALL BE PAID AS OUTLINED IN 5.04.080, F.

C. Special License Fee Schedule.

* * *	
Property Mmanagement COMPANY (commercial)	60.00
* * *	

D. BEGINNING JANUARY 2019, ALL RENEWALS OF APPLICATIONS WILL BE BILLED FOR THE CALENDAR/LICENSE YEAR TO END ON DECEMBER 31. PRORATIONS SHALL BE MADE FOR THE PORTION OF THE CALENDAR YEAR PAID BY THE PREVIOUS LICENSE AS CALCULATED IN SUBSECTION F.

E. FOR ALL NEW BUSINESS LICENSE APPLICATIONS: WHEN AN APPLICATION IS RECEIVED BEFORE SEPTEMBER 30 OF THE CALENDAR YEAR, THE APPLICANT SHALL BE CHARGED A PRORATED FEE FOR THE NUMBER OF MONTHS REMAINING IN THE CALENDAR YEAR. IF THE APPLICATION IS RECEIVED AFTER SEPTEMBER 30 OF THE CALENDAR YEAR THE APPLICANT SHALL PAY A FEE FOR THE REMAINDER OF THE CURRENT LICENSE YEAR AND THE FOLLOWING YEAR (EXAMPLE: OCTOBER 2018 THROUGH DECEMBER 31, 2019).

F. CALCULATION OF FEES SHALL BE AS FOLLOWS: PRORATIONS SHALL BE MADE BASED ON A MONTHLY RATE AS FOLLOWS: TOTAL RATE DIVISIBLE BY 12 MONTHS TO DETERMINE THE MONTHLY RATE; MONTHLY RATE MULTIPLIED BY THE NUMBER OF MONTHS NOT TO EXCEED 15 MONTHS (OCTOBER THROUGH DECEMBER OF THE FOLLOWING YEAR).

The Code of Youngtown, Arizona, Title 5 Business Licenses and Regulations, Chapter 5.04 Business Licenses Generally, Sections 5.04.090 Late Fees hereby amended to read as follows (additions in ALL CAPS; deletions in ~~strikeout~~):

5.04.090 - ~~Late fees.~~ FAILURE TO RENEW

~~A late fee in the amount of twenty five dollars (\$25.00) shall be charged in addition to the renewal license fees for a~~ANY license that has lapsed more than thirty (30) days SHALL BE ISSUED A NOTICE OF PENDING CLOSURE. A license lapsed for more than sixty (60) days shall BE CLOSED AND require a new license application.

Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or any part of the Code adopted herein by reference is, for any reason, held to be invalid or

unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Unless otherwise provided, any person found in violation of any provision of this Ordinance shall be responsible under Section 1.12.010 of the Town Code for a civil violation, punishable by a fine not less than fifty dollars (\$50) nor more than five hundred dollars (\$500) for each violation. Each day that a violation continues shall be a separate offense punishable as herein described. After having been found responsible for committing three (3) or more civil infractions of the same code provision in any twenty-four (24) month period, a person is a habitual offender and may be charged with a class one misdemeanor, punishable by a fine of not less than five hundred dollars (\$500) nor more than twenty-five hundred dollars (\$2500), imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment.

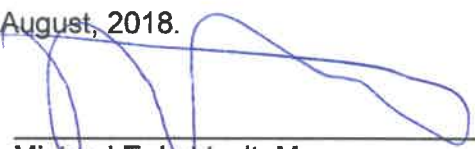
PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 16th day of August, 2018, by the following vote:

AYES: 7

NAYES: 0 ABSENT: _____

EXCUSED: _____ ABSTAINED: _____

APPROVED this 16th day of August, 2018.




Michael E. LeVault, Mayor

ATTEST:



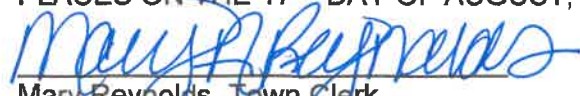
Mary Reynolds, Town Clerk

APPROVED AS TO FORM:



Gust Rosenfeld, P.L.C.
Town Attorneys
By Trish Stuhan

I, MARY REYNOLDS, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 18-11 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 16TH DAY OF AUGUST, 2018, WAS POSTED IN THREE PLACES ON THE 17TH DAY OF AUGUST, 2018.



Mary Reynolds, Town Clerk